

REMARKS

With the present amendment, Applicants have amended claims 1-16, which remain pending and are presented for reconsideration view of the following remarks.

The Examiner has rejected claims 7, 9, 11 and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. In particular, the Examiner has objected to the phrase "at least" as used in such claims. Applicants have now deleted the references to the phrases "at least" where applicable in claims 7, 9, 11 and 15 to address the alleged lack of clarity. Accordingly, Applicants respectfully request that the rejection under Section 112, second paragraph, now be withdrawn.

Turning to the rejections based on prior art, claims 1-16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the November 1995 publication "Hypertext Markup Language - 2.0 by Berners-Lee & Connolly (hereinafter "HTML"). Essentially, the Examiner takes the position that the use of HTML over the Internet anticipates claims 1-16. Applicants, however, have now amended and clarified the claims to specify a program distribution system that cannot be considered merely the "use of HTML over a network." Rather, the presently claimed invention involves the distribution of program information to manage a predistributed character control and background elemental information. Such redistributed character control and background information is then selectable for providing the terminal apparatus with a variety of variations in stage, scene, character, background and images of the program scenes. Namely, the variety of scene variations provided by the present invention (e.g., Figs. 3-4) result from the use of a transmitting program file (e.g., Figs. 8-9) which serves to control selection of character control and background elemental

information such as provided by an accumulated program file (e.g., Figs. 5-7).

With the present invention, the network terminal device can generate programs in which the stage, scene and background vary such that the stage, scene and characters that do appear do not always appear to be the same with little variation, as described, for example, in the background of the invention at paragraphs 4-5. As discussed at paragraph 120 in the application:

[T]he communication system of FIG. 1 allows for setting freely (freely within the range of possible combination patterns) the program configuration, such as the scene or stage and the like, characters, background, music, sound effects and the like, of the program to be output to the monitor device of the entertainment system 220 by appropriately changing each main structural element of scene information in the transmitting program file which is generated in the server 222 and changing the combinations of each main structural element within the accumulated program file which are prepared in the entertainment system 220. Accordingly, the communication system of FIG. 1 can deliver programs able to further raise the interest level of the user (viewer) since such conventional situations where the same program is always provided no longer exist.

Thus, in view of the above remarks and amendments to the claims, Applicants submit that claims 1-16 are neither anticipated nor rendered obvious by the use of HTML over the Internet. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of the claims as being anticipated by HTML.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at

Application No.: 10/092,087

Docket No.: SCEI 3.0-119

(908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 14, 2004

Respectfully submitted,

By 

Jonathan A. David

Registration No.: 36,494

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

LD-447501162_1